IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 23RD JULY, 2007 / 1ST SRAVANA, 1929

WP(C).No. 1980 of 2007(I)

PETITIONER:

MANIKANDALAL K.M.,
KARATTUPARAMBIL HOUSE,
P.O. PERINGOTTUKARA, THRISSUR.

BY ADV. SRI.K.N.PADMAKUMAR

RESPONDENT:

THE CONTROLLER OF TECHNICAL
EXAMINATION, BOARD OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.1980 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Mark List of the petitioner dtd.8.7.2005 of the 2nd Semester issued by the respondent.

Ext.P2: Copy of the 'Admission Ticket' with Reg.No.202434 of the petitioner issued by the respondent.

Ext.P3: Copy of the representation submitted by the petitioner dtd.30.9.2006 before the respondent.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 1980 OF 2007 - I

Dated this the 23rd day of July, 2007

J U D G M E N T

The petitioner was a student of the Post Graduate Diploma in Computer Applications (P.G.D.C.A.) Course (Revision 2000) conducted by the respondent during 2000-2002. The petitioner passed the First and Third Semester examinations, but failed in the Second Semester. He sat for the Supplementary Examination. As per Ext.P2, admission ticket was issued to the petitioner for the P.G.D.C.A.(Revision 2000) and the petitioner wrote the examination. However, his results were not published. Therefore, he filed Ext.P3 representation. Since the petitioner did not receive any reply, he approaches this Court for publication of the results and issue of marklist.

2. A counter affidavit has been filed on behalf of the respondents wherein it is stated that the last chance for appearing for the examination of Revision 2000 was completed in May 2004. Later, the examination for Revision 2001 was notified and the petitioner wrote the

examination for Revision 2001 and that is why the results were withheld. The question was considered by the Board of Technical Examination held on 10.1.2007 and the Board decided to conduct a clearing examination for failed candidates of P.G.D.C.A.course who have studied under various schemes from 1993 to 2000 and the petitioner can avail of that opportunity. This decision has been communicated to the petitioner.

3. Counsel for the petitioner does not dispute the averment in the counter affidavit that the petitioner actually wrote the examination conducted for Revision 2001. However, his contention is that insofar as it is not because of the petitioner's mistake, as is clear from the fact that in Ext.P2 hall ticket, it is specifically mentioned the name and branch of the scheme as P.G.D.C.A. (Revision 2000), his results should not be published.

4. I do not think that the petitioner's contention can be accepted, insofar as his course was for Revision 2000 and he wrote the examination for Revision 2001,

and therefore, he cannot be declared to have passed on the basis of the examination which he wrote for Revision 2001. Accordingly, now the only course open to the petitioner is to write the clearing examination proposed to be conducted.

In the above circumstances, recording the submission of the respondents that the petitioner would be permitted to write the clearing examination proposed to be conducted, this writ petition is closed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007